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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,652	07/17/2002	Joerg-Michael Hasemann	10191/2294	9236
26646	7590	09/22/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,652

Applicant(s)

HASEMANN, JOERG-MICHAEL

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/20/06; 3/27/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 06/16/2006.

Response to Amendment

The Examiner has acknowledged the amended claim 33, and the submission of new claims 37 and 38.

Response to Arguments

Applicant's arguments filed on 06/16/2006 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Dillon's system doesn't transmit the data transmission block linking the informational content data block and the informational data description block because the news data id simply transmitted on defined addresses (page 7, last paragraph). The Examiner respectfully disagrees with Applicant's assertion because Dillon clearly discloses that the news server 50 typically receives newsgroup information from other news servers 55 via the network 60. This information consists of the list of newsgroups available from these news servers and recently posted articles. As the news server 50 acquires new articles, it forwards these articles to the transmitter 62. **The transmitter 62 formats the newsgroup articles in a manner that is appropriate for transmission by a satellite gateway 70. Formatting may include grouping one or more articles into a group and then fragmenting the group of articles into multiple multicast User Datagram Protocol (UDP) packets**

having sufficient information for a receiver to reconstitute the articles from the packets while enabling the receiver to detect lost or damaged packets (see paragraph [0032]).

Applicant also argues that Dillon does not disclose the claimed second transmission network (page 8, first paragraph). Dillon shows in figure 10 that element 255 is being interpreted as the second transmission network to allow communication between the subscriber station 80 and the news servers (see paragraph [0068].

It appears that applicants are interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969).

In view of such, the rejection is maintained as follow:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19 - 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon et al (US 2002/0059526; hereinafter Dillon).

Regarding claims 19 and 30 – 36, Dillon teaches a method and an information transmission system for transmitting information content data to a plurality of terminals (fig. 1), the method comprising the steps of providing the information content data and informational description data in a memory of at least one information provider station (paragraph [0032], lines 5 - 14); loading the informational content data and the informational description data into a memory of a central information transmission station (paragraphs [0020], [0033], lines 1 - 5); generating an informational content data block based on loaded informational content data and an informational data description block based on loaded informational description data in the central information transmission station (paragraphs [0033], lines 5 - 8), [0067]; linking the informational content data block and the informational data description block to a data transmission block (paragraph 0033], lines 9 - 16); and transmitting the data transmission block from the central information transmission station to the plurality of terminals (paragraphs [0034] and [0056]). Claim 31 adds the limitation of a second transmission network for simultaneously transmitting the data transmission block to a plurality of terminals (255, fig. 10; paragraph [0068]).

Regarding claim 20, Dillon teaches the method of claim 19, further comprising the step of checking the data transmission block in at least one of the plurality of terminals by using the informational data description block to determine a relevance of

the data transmission block for the at least one of the plurality of terminals (paragraph [0040]).

Regarding claim 21, Dillon teaches the method of claim 19, further comprising storing the data transmission block in an intermediate memory of the at least one of the plurality of terminals if the data transmission block is determined to be relevant, a stored data transmission block being retrievable by a user of the at least one of the plurality of terminals (paragraphs [0019], [0054], and [0059]; Dillon discloses a downstream news server for receiving and processing multicast newsgroup packets and to make the stored news group articles available to clients via a network interface).

Regarding claim 22, Dillon teaches the method of claim 19, wherein the informational data description block includes informational data records regarding a geographic region of validity, a valid time period, data format at least one of a coding and an encryption, and a manner and type of a transmitted transmission block (paragraph [0053]).

Regarding claim 23, Dillon teaches the method of claim 19, wherein the informational content data and the informational description data are loaded as a function of a request signal transmitted by the central transmission station to the at least one information provider station (paragraph [0032]).

Regarding claim 24, Dillon teaches the method of claim 19, wherein the informational content data and the information description data are automatically loaded at regular, settable intervals (paragraph [0032]).

Regarding claim 25, Dillon teaches the method of claim 19, wherein the data transmission block is automatically transmittable by the information transmission station to the plurality of terminals at regular, settable intervals (paragraph [0032]).

Regarding claim 26, Dillon teaches the method of claim 19, wherein the data transmission block is simultaneously transmittable by the information transmission station to the plurality of terminals by a distributor network (paragraph [0032]).

Regarding claim 27, Dillon teaches the method of claim 19, wherein the data transmission block is transmittable in an encrypted manner (paragraph [0052]).

Regarding claim 28, Dillon teaches the method of claim 19, wherein the informational data description block includes decryption and description data indicating a manner of encrypting the data transmission block (paragraph [0052]).

Regarding claim 29, Dillon teaches the method of claim 19, wherein encryption data for encrypting the data transmission block is transmittable by the at least one information provider station to the plurality of terminals (paragraph [0052]).

Claims 37 and 38 substantively incorporate the limitations of claims 19, 25, and 28-3, but in apparatus and method form. The reasons for the rejection of claims 19, 25, and 28 apply to claims 37 and 38.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yves Dalencourt



September 13, 2006